



# No FEAR Act

Equal Employment Opportunity Data

Fiscal Year 2022, First Quarter



U.S. Customs and  
Border Protection

*Office of the Commissioner*

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## Equal Employment Opportunity Data Posted Pursuant to the No Fear Act: CBP

For 1st Quarter 2022 for period ending December 31, 2021

### 1. Complaint Activity

<b>Total</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (through 12/31/21)</b>
Number of Complaints Filed	268	422	355	371	364	113
Number of Complainants	262	404	338	352	344	112
Repeat Filers	5	18	16	16	17	1

### 2. Complaints by Basis

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

<b>Basis</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (through 12/31/21)</b>
Race	65	101	84	100	81	20
Color	17	27	16	31	14	6
Religion	10	17	19	15	17	21
Reprisal	128	181	186	198	184	37
Sex	88	119	108	119	110	37
PDA	6	3	4	2	4	2
National Origin	57	114	70	86	56	17
Equal Pay Act	2	0	1	1	0	0
Age	66	114	95	112	95	29
Disability	59	91	102	108	101	29
Genetics	1	1	1	2	2	0
Non-EEO	16	26	15	31	48	8

### 3. Complaints by Issue

Note: Complaints can be filed alleging multiple issues. The sum of the issues may not be equal to the total complaints filed.

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Appointment/Hire	15	26	27	23	14	5
Assignment of Duties	46	122	68	91	124	42
Awards	8	10	10	16	9	3
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Discipline: Demotion	1	6	2	2	2	0
Discipline: Reprimand	25	17	16	20	18	4
Discipline: Suspension	15	17	10	22	17	4
Discipline: Removal	3	2	11	5	12	3
Duty Hours	2	8	10	16	15	3
Perf. Eval./Appraisal	10	6	11	17	16	3
Examination/Test	2	11	11	6	2	0
Harassment: Non-Sexual	125	169	166	194	174	41
Harassment: Sexual	13	14	22	14	11	6
Medical Examination	5	13	10	11	5	0
Pay Including Overtime	15	11	22	24	26	6
Promotion/Non-Selection	62	74	58	69	58	18
Reassignment: Denied	3	11	7	8	7	5
Reassignment: Directed	4	16	14	10	10	3
Reasonable Accommodation Disability	18	24	35	37	23	8
Reinstatement	0	2	1	1	2	0
Religious Accommodation	2	4	2	5	3	7
Retirement	0	0	4	3	3	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	1	3	2	8	11	1
Termination	11	24	23	30	24	6
Terms/Conditions of Employment	18	32	45	39	36	3
Time and Attendance	20	27	50	45	66	7
Training	14	12	16	19	10	6

#### 4. Processing Time

##### a. Complaints Pending During Fiscal Year

Processing Time	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Average Number of Days in Investigation	228.10	233.31	225.42	239.98	395.90	517.88
Average Number of Days in Final Action	99.28	106.44	90.36	162.90	181.86	124.49

##### b. Complaints Pending During Fiscal Year Where Hearing was Requested

Processing Time	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Average Number of Days in Investigation	223.08	232.26	230.93	228.24	370.53	361.38
Average Number of Days in Final Action	64.64	74.00	60.86	94.23	68.08	54.16

##### c. Complaints Pending During Fiscal Year Where Hearing was Not Requested

Processing Time	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Average Number of Days in Investigation	240.37	246.12	223.00	267.15	443.23	605.80
Average Number of Days in Final Action	146.24	150.15	175.19	361.70	368.42	282.04

## 5. Complaints Dismissed by the Agency

Complaints Dismissed by Agency	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Total Complaints Dismissed by Agency	19	55	41	18	14	1
Average Days Pending Prior to Dismissal	119	136	143	225	494	180

## 6. Complaints Withdrawn by Complainants

Complaints Withdrawn by Complainants	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Total Complaints Withdrawn by Complainants	27	46	50	50	48	16

## 7. Total Final Agency Actions Finding Discrimination

### a. Final Agency Actions Finding Discrimination: Breakdown by Number

Total Final Agency Actions Finding Discrimination	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Findings Without Hearing	3	1	3	7	4	1
Findings With Hearing	0	1	1	12	0	0
Total Number of Findings	3	2	4	19	4	1

### b. Final Agency Actions Finding Discrimination: Breakdown by Percentage

Total Final Agency Actions Finding Discrimination	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Findings Without Hearing	100%	50%	75%	37%	100%	0%
Findings With Hearing	0%	50%	25%	63%	0%	100%

## 8. Findings of Discrimination Rendered by Basis

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

### a. Total Number of Findings

#### i. Basis Breakdown by Number

Basis	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Race	1	0	0	4	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	3	1	2	10	1	1
Sex	2	0	2	4	1	0
PDA	0	0	0	1	0	0
National Origin	1	0	0	4	0	0
Equal Pay Act	0	0	0	0	0	0
Age	2	0	1	4	0	0
Disability	0	0	1	9	0	0
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	2	0	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>19</b>	<b>2</b>	<b>1</b>

#### ii. Basis Breakdown by Percentage

Basis	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Race	33%	0%	0%	21%	0%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	100%	100%	50%	53%	50%	100%
Sex	67%	0%	50%	21%	50%	0%
PDA	0%	0%	0%	5%	0%	0%
National Origin	33%	0%	0%	21%	0%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	67%	0%	25%	21%	0%	0%
Disability	0%	0%	25%	47%	0%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	0%	11%	0%	0%

**b. Findings After Hearing****i. Basis Breakdown by Number**

<b>Basis</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (through 12/31/21)</b>
Race	0	0	0	3	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	1	1	8	0	1
Sex	0	0	1	1	0	0
PDA	0	0	0	1	0	0
National Origin	0	0	0	4	0	0
Equal Pay Act	0	0	0	0	0	0
Age	0	0	0	3	0	0
Disability	0	0	0	6	0	0
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>1</b>

**ii. Basis Breakdown by Percentage**

<b>Basis</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (through 12/31/21)</b>
Race	0%	0%	0%	25%	0%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	0%	100%	100%	67%	0%	100%
Sex	0%	0%	100%	8%	0%	0%
PDA	0%	0%	0%	8%	0%	0%
National Origin	0%	0%	0%	33%	0%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	0%	0%	0%	25%	0%	0%
Disability	0%	0%	0%	50%	0%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	0%	0%	0%	0%



**c. Findings Without Hearing**

**i. Basis Breakdown by Number**

<b>Basis</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (through 12/31/21)</b>
Race	1	0	0	1	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	3	0	1	2	1	0
Sex	2	0	1	3	1	0
PDA	0	0	0	0	0	0
National Origin	1	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	2	0	1	1	0	0
Disability	0	0	1	3	0	0
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	2	0	0
<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>7</b>	<b>2</b>	<b>0</b>

**ii. Basis Breakdown by Percentage**

<b>Basis</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (through 12/31/21)</b>
Race	33%	0%	0%	14%	0%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	100%	0%	33%	29%	50%	0%
Sex	67%	0%	33%	43%	50%	0%
PDA	0%	0%	0%	0%	0%	0%
National Origin	33%	0%	0%	0%	0%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	67%	0%	33%	14%	0%	0%
Disability	0%	0%	33%	43%	0%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	0%	29%	0%	0%

## 9. Findings of Discrimination Rendered by Issue

### a. Total Number of Findings by Issue

#### i. Issue Breakdown by Number

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Appointment/Hire	0	0	0	2	0	0
Assignment of Duties	2	0	1	2	0	0
Awards	0	0	1	1	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	1	0	0
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./Appraisal	0	0	1	1	0	0
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	1	0	1	10	2	1
Harassment: Sexual	0	0	0	3	0	0
Medical Examination	0	0	0	1	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion/Non-Selection	0	0	1	1	0	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	1	1	0	0
Reasonable Accommodation Disability	0	0	1	0	0	0
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	1	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	1	1	0	1	0	0
Time and Attendance	0	0	1	1	0	0
Training	0	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>19</b>	<b>2</b>	<b>1</b>

## ii. Issue Breakdown by Percentage

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Appointment/Hire	0%	0%	0%	11%	0%	0%
Assignment of Duties	67%	0%	25%	11%	0%	0%
Awards	0%	0%	25%	5%	0%	0%
Conversion to Full Time/Perm Status	0%	0%	0%	0%	0%	0%
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand	0%	0%	0%	5%	0%	0%
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Duty Hours	0%	0%	0%	0%	0%	0%
Perf. Eval./Appraisal	0%	0%	25%	5%	0%	0%
Examination/Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	33%	0%	25%	53%	100%	100%
Harassment: Sexual	0%	0%	0%	16%	0%	0%
Medical Examination	0%	0%	0%	5%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion/Non-Selection	0%	0%	25%	5%	0%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	25%	5%	0%	0%
Reasonable Accommodation Disability	0%	0%	25%	0%	0%	0%
Reinstatement	0%	0%	0%	0%	0%	0%
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement	0%	0%	0%	0%	0%	0%
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	5%	0%	0%
Termination	0%	0%	0%	0%	0%	0%
Terms/Conditions of Employment	33%	100%	0%	5%	0%	0%
Time and Attendance	0%	0%	25%	5%	0%	0%
Training	0%	0%	0%	0%	0%	0%

## b. Findings After Hearing

### i. Issue Breakdown by Number

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Appointment/Hire	0	0	0	2	0	0
Assignment of Duties	0	0	1	1	0	0
Awards	0	0	1	1	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	0	0
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./Appraisal	0	0	0	1	0	0
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	0	6	0	1
Harassment: Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	1	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion/Non-Selection	0	0	1	1	0	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	0	1	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	1	0	0	0	0
Time and Attendance	0	0	1	0	0	0
Training	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>1</b>

## ii. Issue Breakdown by Percentage

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Appointment/Hire	0%	0%	0%	17%	0%	0%
Assignment of Duties	0%	0%	100%	8%	0%	0%
Awards	0%	0%	100%	8%	0%	0%
Conversion to Full Time/Perm Status	0%	0%	0%	0%	0%	0%
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand	0%	0%	0%	0%	0%	0%
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Duty Hours	0%	0%	0%	0%	0%	0%
Perf. Eval./Appraisal	0%	0%	0%	8%	0%	0%
Examination/Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	0%	0%	0%	50%	0%	100%
Harassment: Sexual	0%	0%	0%	0%	0%	0%
Medical Examination	0%	0%	0%	8%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion/Non-Selection	0%	0%	100%	8%	0%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	0%	8%	0%	0%
Reasonable Accommodation Disability	0%	0%	0%	0%	0%	0%
Reinstatement	0%	0%	0%	0%	0%	0%
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement	0%	0%	0%	0%	0%	0%
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	0%	0%	0%
Termination	0%	0%	0%	0%	0%	0%
Terms/Conditions of Employment	0%	100%	0%	0%	0%	0%
Time and Attendance	0%	0%	100%	0%	0%	0%
Training	0%	0%	0%	0%	0%	0%

**c. Findings Without Hearing**

**i. Issue Breakdown by Number**

<b>Issue</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (through 12/31/21)</b>
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	2	0	0	1	0	0
Awards	0	0	0	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	1	0	0
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./Appraisal	0	0	1	0	0	0
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	1	0	1	4	2	0
Harassment: Sexual	0	0	0	3	0	0
Medical Examination	0	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	1	0	0	0
Reasonable Accommodation Disability	0	0	1	0	0	0
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	1	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	1	0	0	1	0	0
Time and Attendance	0	0	0	1	0	0
Training	0	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>7</b>	<b>2</b>	<b>0</b>

## ii. Issue Breakdown by Percentage

Issue	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022 (through 12/31/21)
Appointment/Hire	0%	0%	0%	0%	0%	0%
Assignment of Duties	67%	0%	0%	14%	0%	0%
Awards	0%	0%	0%	0%	0%	0%
Conversion to Full Time/Perm Status	0%	0%	0%	0%	0%	0%
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand	0%	0%	0%	14%	0%	0%
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Duty Hours	0%	0%	0%	0%	0%	0%
Perf. Eval./Appraisal	0%	0%	33%	0%	0%	0%
Examination/Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	33%	0%	33%	57%	100%	0%
Harassment: Sexual	0%	0%	0%	43%	0%	0%
Medical Examination	0%	0%	0%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion/Non-Selection	0%	0%	0%	0%	0%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	33%	0%	0%	0%
Reasonable Accommodation Disability	0%	0%	33%	0%	0%	0%
Reinstatement	0%	0%	0%	0%	0%	0%
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement	0%	0%	0%	0%	0%	0%
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	14%	0%	0%
Termination	0%	0%	0%	0%	0%	0%
Terms/Conditions of Employment	33%	0%	0%	14%	0%	0%
Time and Attendance	0%	0%	0%	14%	0%	0%
Training	0%	0%	0%	0%	0%	0%

## 10. Pending Complaints Filed in Previous Fiscal Years by Status

### a. Total Complaints and Complainants

<b>Pending Complaints Filed in Previous Years by Status</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (through 12/31/21)</b>
Total Complaints from Previous Fiscal Year	330	356	458	515	496	703
Total Complainants	295	317	416	465	437	616

### b. Number of Complaints Pending

<b>Status</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (through 12/31/21)</b>
Investigation	3	2	52	65	137	402
ROI Issued, Pending Complainant's Action	5	1	1	2	13	10
Hearing	296	316	331	334	256	243
Final Agency Action	19	32	71	96	88	40
Appeal with EEOC Office of Federal Operations	84	118	152	178	189	199

## 11. Complaint Investigations

<b>Complaint Investigation</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (through 12/31/21)</b>
Pending Complaints Where Investigations Exceed Required Time Frames	8	3	9	59	188	245